

## CLASSIFICATION OFFICE DECISION

**Title of publication:** 042\_42.JPG

**Other known title(s):** Not stated

**OFLC ref:** 2000211.027

**Medium:** Image File

**Distributor:** Not stated

**Country of origin:** Not stated

**Language:** Not applicable

**Applicant:** Commissioner of Police

<b>Classification:</b>	Unrestricted.
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**Descriptive note:** None

**Display conditions:** None

**Date of entry in Register:** 04 September 2020

**Date of direction to issue a label:** No direction to issue a label has been issued

**Date of notice of decision:** 04 September 2020

### Summary of reasons for decision:

The image file depicts a topless woman. While there is nothing inherently sexual about her nudity, she has been photographed to focus on her breasts, giving the image a mildly voyeuristic tone. While the image may be startling to younger viewers, it is not overtly sexual enough to warrant a restriction on its availability. The issue is more one of causing offense, rather than there being any likelihood of injury to the public good. However, the provisions of the Films, Videos, and Publications Classification Act 1993 do not allow for publications to be restricted based solely on the likelihood of causing offense. The image is therefore classified unrestricted. This classification is consistent with the right to freedom of expression contained in the New Zealand Bill of Rights Act 1990.